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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,244	12/19/2000	Elizabeth Goldwyn Gibson	1906P	8208

7590 07/29/2003

SAWYER LAW GROUP LLP
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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 07/29/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,244

Applicant(s)

GIBSON ET AL.

Examiner

Md S Elahee

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04. 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments mailed on 05/08/03 have been fully considered but they are not fully persuasive.

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the Varney for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the Varney for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Varney (U.S. Patent No. 6,310,939).

Regarding claim 1, Varney teaches a switching system for receiving a call from a calling party (fig.1; col.2, lines 22-25).

Varney further teaches that a voice mail system (VMS) coupled to the switching system for receiving the call if a called party does not answer the call (fig.1; col.2, lines 22-55; 'voice mail system (VMS)' reads on the claim 'voice mailbox').

Varney further teaches that a telephone station for the called party for receiving the call from the calling party, the telephone station for the called party enabling screening the calling

Art Unit: 2697

party when the calling party is coupled to the VMS (fig.1; col.2, lines 56-67, col.3, lines 1, 2; 'telephone station for the called party' reads on the claim 'telephone' and 'VMS' reads on the claim 'voice mailbox').

Regarding claims 2 and 12, Varney teaches that the telephone further comprises connections to the switching system, wherein in one of the connections is utilized to provide a call bridge between the calling party, the called party and the VMS (col.2, lines 56-67, col.3, lines 1-5; 'connections' reads on the claim 'first and second connections', 'call bridge' reads on the claim 'three-way call' and 'VMS' reads on the claim 'voice mailbox').

Regarding claims 3 and 13, Varney teaches that the called party leg is monitored for speech, if detected, connection to VMS switch is dropped. Further signal to bridge the call is provided so that caller and called party can hear each other, therefore, until speech is detected and new bridge is set up the caller can not hear the called party (col.3, lines 1-9; 'call bridge' reads on the claim 'three-way call').

Regarding claims 4 and 14, Varney teaches that the called party can, through interaction with the telephone, talk with the calling party through the other of the connections and the VMS is dropped from the call (col.2, lines 56-67, col.3, lines 1-7, col.4, lines 37-49; 'connections' reads on the claim 'first and second connections' and 'VMS' reads on the claim 'voice mailbox').

Regarding claims 5 and 8, Varney teaches receiving a call from a calling party by a VMS (fig.1; col.2, lines 22-55; 'VMS' reads on the claim 'voice mailbox').

Varney further teaches joining the called party, the calling party, and the voice mailbox in a call bridge by a telephone via a connection from the telephone of the called party such that the

Art Unit: 2697

called party can screen a message from the calling party (col.2, lines 56-67, col.3, lines 1-5; 'call bridge' reads on the claim 'three-way call').

Regarding claims 6 and 9, Varney teaches that the called party leg is monitored for speech, if detected, connection to VMS switch is dropped. Further signal to bridge the call is provided so that caller and called party can hear each other, therefore, until speech is detected and new bridge is set up the caller can not hear the called party (col.3, lines 1-9).

Regarding claims 7 and 10, Varney teaches dropping the VMS from the call bridge by the telephone when the called party speaks to the calling party (abstract; col.2, lines 56-67, col.3, lines 1-7; 'call bridge' reads on the claim 'three-way call' and 'VMS' reads on the claim 'voice mailbox').

Regarding claim 11, Varney teaches a telephone station of the called party for receiving a call from the calling party (fig.1; col.2, lines 22-25; 'telephone station of the called party' reads on the claim 'receiver').

Varney further teaches that a voice mail screening system within the telephone station of the called party for allowing a called party to hear the calling party when the calling party is coupled to a VMS (abstract; fig.1; col.2, lines 56-67, col.3, lines 1, 2; 'telephone station for the called party' reads on the claim 'telephone' and 'VMS' reads on the claim 'voice mailbox').

Regarding claim 15, Varney teaches a switching system for receiving a call from a calling party (fig.1; col.2, lines 22-25).

Varney further teaches that a voice mail system (VMS) coupled to the switching system for receiving the call if a called party does not answer the call (fig.1; col.2, lines 22-55; 'voice mail system (VMS)' reads on the claim 'voice mailbox').

Art Unit: 2697

Varney further teaches that a telephone station for the called party for receiving the call from the calling party, the telephone station for the called party being capable of screening the calling party when the calling party is coupled to the VMS, wherein an adjunct box coupled to the telephone is not required for screening (fig.1; col.2, lines 56-67, col.3, lines 1, 2; 'telephone station for the called party' reads on the claim 'telephone' and 'VMS' reads on the claim 'voice mailbox').


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M. E.
MD SHAFIUL ALAM ELAHEE
July 23, 2003


SCOTT L. WEAVER
PRIMARY EXAMINER
Art Unit 2645